

Message Text

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ACTION ARA-06

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FM AMEMBASSY PANAMA

TO SECSTATE WASHDC 6618

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FOR ARA/PAN-MINISTER BELL

E.O. 11652: N/A

TAGS: PFOR, PN

SUBJECT: CONGRESSIONAL Q & A'S ON PANAMA: IV DICTATORSHIP

1. Q. IS THE PRESENT PANAMANIAN GOVERNMENT HEADED BY GENERAL TORRIJOS A DICTATORSHIP?

A. NO IT IS NOT, BUT NEITHER IS IT A DEMOCRACY AS WE UNDERSTAND THAT TERM. THE LEGAL BASIS OF THIS GOVERNMENT IS THE CONSTITUTION OF 1972, DRAFTED BY A NATIONAL COMMISSION COMPOSED OF 25 PANAMAN- IANS FROM ALL SECTORS OF NATIONAL SOCIETY, APPROVED BY THE NATIONAL ASSEMBLY OF COMMUNITY REPRESENTATIVES. THE 1972 CONSTITUTION GUARANTEES COMMON, BASIC WESTERN RIGHTS AND FREEDOMS AND IS A LIBERAL EXAMPLE OF WESTERN CONSTITUTIONAL THOUGHT AND PHILOSOPHY. AT THE SAME TIME, THE CONSTITUTION CONTAINS SPECIAL REVOLUTIONARY PROVISIONS, PRINCIPALLY EMBODIED IN ARTICLE 277 WHICH CREATED THE POSTION OF HEAD OF GOVERNMENT, NAMED GENERAL TORRIJOS TO THAT POSITION, CONSIDERS HIM IN THAT POSITION AS THE LEADER OF THE PANAMANIAN REVOLUTION, AND SETS A 6 YEAR TERM FOR BOTH THE POSITION AND ITS OCCUPANT. POPULAR REPRESENTATION IS EFFECTED THROUGH

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THE 505 MEMBERS OF THE NACR ELECTED DIRECTLY, AND THROUGH THE

PRESIDENT AND VICE-PRESIDENT ELECTED INDIRECTLY. THE JUDICIARY IS APPOINTED BY THE EXECUTIVE POWER AND IS DIVIDED INTO A SUPREME COURT, CIVIL AND CRIMINAL TRIBUNALS, AND ADMINISTRATIVE COURTS.

2. Q. WHERE THERE FREE ELECTIONS FOR THE MEMBERS OF THE NATIONAL ASSEMBLY?

A. YES. THE 1972 ELECTIONS WERE FREE WITHIN THE CONSTITUTIONAL NORMS ESTABLISHED FOR THEM. THERE WERE, AND ARE, NO POLITICAL PARTIES. 5 CANDIDATES PER ELECTORAL DISTRICT WERE NOMINATED BY THE VOTERS OF THAT DISTRICT. NOMINATION OF CANDIDATES WAS ON A NON-PARTISAN BASIS. HE OR SHE WHO RECEIVED THE MOST VOTES OF THOSE 5 WAS ELECTED TO THE ASSEMBLY AND THAT PROCEDURE WAS CARRIED OUT FREELY AND HONESTLY.

3. Q. YOU SAY IT IS NOT A DICTATORSHIP, BUT THERE ARE NO POLITICAL PARTIES.

A. THAT IS TRUE, THERE ARE NO POLITICAL PARTIES-NEITHER AN OFFICIAL GOVERNMENT PARTY, NOR OPPOSITION PARTIES. CONSENT TO OR DISSENT FROM GOVERNMENT POLICIES IS EXPRESSED VIA THE NACR. WITH RESPECT TO DOMESTIC, LOCAL PROGRAMS AND PROJECTS THE NACR REPRESENTATIVES ARE BY NO MEANS RUBBER STAMPS; WITH RESPECT TO FOREIGN AFFAIRS, OR DEFENSE, AND THE OVERALL POLICY DIRECTION OF THE GOVERNMENT, THE ASSEMBLY REPRESENTATIVES HAVE LESS INFLUENCE. THE GOVERNMENT DOES ENGAGE IN CONSULTATION AND DIALOGUE AS WELL WITH VARIOUS SECTORS OF THE ECONOMY AND SOCIETY THROUGH SECTOR ORGANIZATIONS: LABOR UNIONS, THE NATIONAL COUNCIL OF PRIVATE ENTERPRISE (CONEP), VARIOUS SPECIFIC COMPONENTS OF THAT ORGANIZATION REPRESENTING SPECIFIC GROUPINGS IN THE PRIVATE SECTOR, AND NATIONAL PROFESSIONAL ORGANIZATIONS. THESE CAN AND DO MAKE THEIR SUPPORT OF AND OPPOSITION TO GOVERNMENT PROGRAMS AND PROPOSALS KNOWN, AND THE GOVERNMENT PAYS ATTENTION TO THEM.

4. Q. WHY DOES THE GOVERNMENT PAY ATTENTION TO THESE VARIOUS SECTORAL AND PROFESSIONAL ORGANIZATIONS YOU MENTIONED?

A. BECAUSE THESE GROUPS EXERT INFLUENCE IN THE AREAS OF THEIR COMPETENCE AND CONCERN, AND, WITHOUT THE SUPPORT OF THE MEDICAL LIMITED OFFICIAL USE

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PROFESSION, FOR EXAMPLE, IN THE HEALTH CARE AND BENEFIT FIELD, ANY GOVERNMENT SPONSORED PROGRAM IN THAT AREA WOULD BE DIFFICULT TO CARRY OUT. CONSENT OF THE GOVERNED CAN BE EXPRESSED THROUGH OTHER MEANS THAN THE VOTE, EVEN THOUGH WE BELIEVE THE VOTE IS THE BEST MEANS OF EXPRESSION.

5. Q. ARE YOU SAYING PANAMA IS A CORPORATIVIST STATE?

A. NO I AM NOT. ALL CITIZENS ARE REPRESENTED IN THE NATIONAL ASSEMBLY. BUT THE GOVERNMENT ALSO LISTENS TO AND ELECITS THE VIEWS OF SECTOR ORGANIZATIONS. IT DOES NOT CONFINE ITSELF TO THEIR ADVICE, NOR INDEED ADOPT THAT ADVICE ALWAYS. FURTHERMORE, OBVIOUSLY DIFFERENT SECTORS HAVE CONFLICTING INTERESTS THE GOVERNMENT MUST TAKE INTO CONSIDERATION. THE CONSULTATIVE MECHANISM IS A MODE OF DIALOGUE, A MEANS OF GETTING SOUNDINGS FROM DIFFERENT PARTS OF THE SOCIETY, NOT A FORMAL CORPORATIVIST STRUCTURE.

6. Q. BUT DOES THE NATIONAL ASSEMBLY LEGISLATE?

A. NO. IT CAN RATIFY TREATIES AND HAS CERTAIN OTHER EXCLUSIVE POWERS (SUCH AS THAT TO DECLARE WAR, APPROVE CHANGES IN THE POLITICAL DIVISION OF THE COUNTRY, AND CONCEDE AMNESTY). BUT ITS MEMBERS IN THEIR ROLES AS MEMBERS OF PROVINCIAL COUNCILS OF CORRDIATION ARE CONSULTED CONCERNING DRAFT LEGISLATION, AND IN THEIR ROLES AS MEMBERS OF MUNICIPAL CONCILS DO PASS LEGISLATION AFFECTING MUNICIPALITIES. THE INFLUENCE OF THE ASSEMBLY IS GROWING AND I BELIEVE IT IS A REASONABLE EXPECTATION THAT THE NACR WILL ASSUME MORE POWER IN THE FUTURE.

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FM AMEMBASSY PANAMA

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7. Q. WHAT IS THE LEGISLATIVE PROCESS?

A. THE GENERAL PRACTICE IS THAT DRAFT LEGISLATION IS PREPARED BY THE NATIONAL LEGISLATIVE COMMISSION-A 10 MAN BODY, 9 OF WHOM ARE APPOINTED BY THE EXECUTIVE, THE TENTH MAN BEING PRESIDENT OF THE NATIONAL ASSEMBLY OF CORREGIMIENTO REPRESENTATIVES OR BY GOVERNMENT MINISTRIES. PROPOSALS FOR LEGISLATION, HOWEVER, CAN BE MADE BY RESOLUTIONS OF THE NACR, THE PROVINCIAL COORDINATING COUNCILS OR BY NON-GOVERNMENT INTEREST GROUPS SUCH AS THE NATIONAL COUNCIL OF PRIVATE ENTERPRISE (CONEP). THE NATIONAL LEGISLATIVE COMMISSION, UNDER THE CONSTITUTION, CARRIES ON CONSULTATIONS OR HEARINGS WITH GROUPS AND INDIVIDUALS AFFECTED BY THE PROPOSED LEGISLATION. MUCH OF THIS CONSULTATION IS DONE BY HAVING MEMBERS OF THE COMMISSION TRAVEL TO THE PROVINCES TO DISCUSS LEGISLATIVE PROPOSALS WITH THE PROVINCIAL COORDINATING COUNCILS. ONCE THE HEARINGS ARE COMPLETED THE LEGISLATIVE COMMISSION SUBMITS THE HEARINGS REPORTS AND THE PROPOSED LEGISLATION TO THE NATIONAL LEGISLATIVE COUNCIL WHICH CONSIDERS AND ENACTS LEGISLATION.

8. Q. WHAT IS THE COMPOSITION OF THE NATIONAL LEGISLATIVE COUNCIL?

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A. IT IS COMPOSED OF THE PRESIDENT OF THE REPUBLIC, THE VICE PRESIDENT, THE MEMBERS OF THE NATIONAL LEGISLATIVE COMMISSION, AND ALL CABINET MINISTERS.

9. Q. WHAT ABOUT THE PRESS, IS IT FREE OR CONTROLLED?

A. PANAMA HAS NEITHER THE FREE-WHEELING PRESS THE UNITED STATES ENJOYS, NOR THE CONTROLLED PRESS OF COMMUNIST OR TOTALITARIAN REGIMES. THE COMMUNICATIONS MEDIA ARE NOT GOVERNMENT OWNED, EXCEPT FOR ONE GOVERNMENT OWNED RADIO STATION. ALL THE OTHERS, NEWSPAPERS AND BOTH TELEVISION CHANNELS, ARE PRIVATELY OWNED. THE SIMPLEST ANSWER TO YOUR QUESTION IS THE HONEST ONE. PANAMA'S PRESS IS FREE TO CRITICIZE OR SUPPORT GOVERNMENT ACTIONS OR PROPOSALS WITHIN CERTAIN LIMITS--AND WITHIN THOSE LIMITS IT DOES CRITICIZE, OFTEN SHARPLY, MINISTERIAL OR BUREAUCRATIC ACTIONS. IT CANNOT, HOWEVER, DIRECTLY ATTACK THE "REVOLUTION" PER SE. NEWSPAPERS AND BROADCAST JOURNALISM VARY IN THEIR SUPPORT OR OPPOSITION TO PERSONS AND PROGRAMS IN THE GOVERNMENT-EXPOSES AND FLATTERY APPEAR IN THEM.

10. Q. YOU SAY THAT THERE IS SOME MODIFIED FORM OF POPULAR REPRESENTATION, BUT ISN'T IT TRUE THAT GENERAL TORRIJOS CAME TO POWER IN A MILITARY COUP AND STAYS IN POWER THROUGH THE ARMED STRENGTH OF THE NATIONAL GUARD?

A. TORRIJOS DID COME TO POWER THROUGH A BLOODLESS MILITARY COUP D'ETAT IN OCTOBER 1968. THAT COUP WAS FOUNDED ON THE

DECISION OF HIGH-RANKING OFFICERS OF THE NATIONAL GUARD, THE COUNTRY'S ONLY MILITARY AND POLICE FORCE, TO OUST ARNULFO ARIAS AND TO END WHAT THEY PERCEIVED AS THE SUCCESSION OF OLIGARCHIC GOVERNMENTS THAT ALTERNATED POWER MORE THAN EXERCISED IT FOR THE BENEFIT OF THE NATION. THE NATIONAL GUARD DOES PROVIDE THE MAINSTAY OF TORRIJOS' SUPPORT. BUT HIS SUPPORT IS NOT CONFINED TO THE GUARD. MOREOVER I WOULD LIKE TO POINT OUT THAT THIS MILITARY COUP, IN DISTINCTION FROM SO MANY AROUND THE WORLD, HAS NOT RETAINED CONTROL OF THE ADMINISTRATIVE AND BUREAUCRATIC APPARATUS OF THE COUNTRY. WITH THE EXCEPTION OF THE MINISTRY OF AGRICULTURAL DEVELOPMENT, CIVILIANS HEAD ALL THE STATE MINISTRIES AND ALL THE PROVINCIAL GOVERNMENTS.
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